

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

BRANDIE WRIGHT,

Plaintiff,

v.

BLUESTEM BRANDS, INC. d/b/a
FINGERHUT,

Defendants.

Civil Action No.:

JURY TRIAL DEMANDED

COMPLAINT

BRANDIE WRIGHT (“Plaintiff”), by and through her attorneys, KIMMEL & SILVERMAN, P.C., alleges the following against BLUESTEM BRANDS, INC. d/b/a FINGERHUT (“Defendant”):

INTRODUCTION

1. Plaintiff’s Complaint is based on the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* (“TCPA”).

JURISDICTION AND VENUE

2. Jurisdiction of this Court arises under 28 U.S.C. § 1331, which grants this court original jurisdiction of all civil actions arising under the laws of the United States. See Mims v. Arrow Fin. Services, LLC, 132 S. Ct. 740, 747, 181 L. Ed. 2d 881 (2012).

3. Defendants conduct business in the State of Ohio, and as such, personal jurisdiction is established.

1 17. Although Plaintiff has an account with Defendant, in mid to late September
2 2015, Plaintiff revoked any consent previously given to Defendant to place telephone calls to
3 her cellular telephone number.
4

5 18. Defendant heard and acknowledged Plaintiff's revocation of consent and
6 demand to stop calling her cellular telephone number.

7 19. Despite the above, Defendant persisted in calling Plaintiff on her cellular
8 telephone.
9

10
11 **DEFENDANT VIOLATED THE**
12 **TELEPHONE CONSUMER PROTECTION ACT**

13 20. Plaintiff incorporates the forgoing paragraphs as though the same were set forth
14 at length herein.

15 21. Defendant initiated multiple automated telephone calls to Plaintiff's cellular
16 telephone using a prerecorded voice.

17 22. Defendant initiated these automated calls to Plaintiff using an automatic
18 telephone dialing system.
19

20 23. Defendant's calls to Plaintiff were not made for emergency purposes.

21 24. Defendant's calls to Plaintiff were not made with Plaintiff's prior express
22 consent.
23

24 25. Defendant's acts as described above were done with malicious, intentional,
25 willful, reckless, wanton and negligent disregard for Plaintiff's rights under the law and with
26 the purpose of harassing Plaintiff.
27
28

1 DATED: 10/29/15

RESPECTFULLY SUBMITTED,

2 By: /s/Amy Lynn Bennecoff Ginsburg

3 Amy Lynn Bennecoff Ginsburg

4 Attorney for Plaintiff

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